

REMARKS

Applicants reply to the final Office Action dated February 4, 2010 within two months. The Examiner rejects all pending claims 1-4 and 7-16. Applicants cancel claims 1-4 and 7-16 without prejudice to filing one or more claims having similar subject matter in other applications. Applicants also add new claims 17-28. Support for the new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these new claims. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects claims 1-4, 7-8 and 11-15 under 35 U.S.C. § 102(e) as being anticipated by Fredregill (U.S. Patent Application No. 2005/0144074). The Examiner also rejects claims 9-10, 12-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Fredregill in view of Official Notice. Applicants respectfully disagree with the Examiner's rejections; however, Applicants submit new claims, without prejudice or disclaimer, to further clarify the patentable aspects and to expedite prosecution. As such, the rejections are now moot. Nonetheless, Applicants also submit arguments related to the new claims, since the Examiner may attempt to apply the cited references to the new claims.

Fredregill discloses an on-line shopping system that can be associated with a loyalty account. The points from the loyalty account can be used to buy items or receive a discount. However, the Fredregill system is a closed system that does not allow for the association of third party accounts that could receive the non-tangible items purchased with loyalty points. Further, apart from gift certificates, the Fredregill system does not allow a user to purchase non-tangible items (e.g., frequent flyer miles, charitable donations, or credits or monetary value) AND transfer such non-tangible items to a second account.

Applicants assert that the cited references alone or in combination do not disclose or contemplate at least, **“receiving, by the computer based system, account information for a second account associated with the non-tangible item”**, or **“transferring, by the computer based system, the non-tangible item to the second account”**, (emphasis added) as similarly recited in independent claims 17, 26, and 27.

Moreover, Applicants traverse the official notice taken by the Examiner on pages 8 and 9 of the Office Action because “the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP 2144.03. Applicants therefore respectfully request that “the examiner provide documentary evidence in the next Office action if the rejection is to be maintained.” Id.


Furthermore, claims 18-26 variously depend from independent claim 17. As such, Applicants assert that claims 18-26 are differentiated from the cited references for the same reasons as set forth above, in addition to their own novel features. Thus, Applicants respectfully request allowance of all pending claims.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept this as a petition therefore. Applicants invite the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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